



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: SIMNACHER, Larry W.

SERIAL NO.: 10/717,534

ART UNIT: 3654

FILED: November 20, 2003

EXAMINER: Kruer, S.

TITLE: LIFTING MECHANISM FOR A STORAGE DEVICE ON THE BED OF A PICKUP TRUCK

AMENDMENT "A"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of October 27, 2005, a response being due by January 27, 2006, please enter the present amendments and consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 1 - 20 have been canceled and new Claims 21 - 37 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the application into a proper condition for allowance.

In the Office Action, it was indicated that Claims 1 - 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Simnacher patent in view of the Anibas patent publication. Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Anibas patent in view of the Eisenberg patent. Claim 16 was objected to because of a minor wording informality. The drawings were objected to as failing to show two (2) items described in the specification.

Applicant's attorney notes that the Examiner has technically rejected Claims 16 and 17 based

upon the Anibas and Eisenberg patents. However, the Examiner goes on to state that "Claim 17 contains allowable subject matter because the teachings of the prior art of record taken as a whole do not show or render obvious the combination set forth including the rotation of the axle at the pivot connection." As such, Applicant's attorney is assuming that it was meant to reject Claim 16, but not Claim 17, as stated in the Official Action.

In reply to the Official Action, Applicant has placed those "objected to" claims into a properly allowable form. In particular, new independent Claim 21 incorporates the limitations of previous independent Claim 1, along with the limitations of objected-to Claim 8 and the limitations of intervening Claim 7. As such, independent Claim 21 should be in proper condition for allowance. Dependent Claims 22 - 26 correspond, respectively, to the limitations of original dependent Claims 2 - 6. Dependent Claims 27 - 29 correspond, respectively, to limitations found in original dependent Claims 9 - 11.

New independent Claim 30 incorporates the limitations of objected-to Claim 12, along with the limitations of base independent Claim 1 and intervening Claim 7. As such, independent Claim 30 should now be in a proper condition for allowance.

Independent Claim 31 incorporates the limitations of objected-to Claim 13, along with the limitations of base Claim 1 and intervening Claim 7. As such, independent Claim 31 should be in a proper condition for allowance. Dependent Claim 32 reflects the limitations of original independent Claim 14 and depends from Claim 30. Dependent Claim 33 corresponds to the limitations of previous dependent Claim 15, and depends from dependent Claim 22.

Independent Claim 34 incorporates the limitations of independent Claim 16, along with the limitations of objected-to Claim 17. As such, independent Claim 34 should be in a proper condition

for allowance. Dependent Claims 35 and 36 correspond, respectively, to the limitations of dependent Claims 18 and 19.

New independent Claim 37 incorporates the limitations of objected-to Claim 20, along with the limitations of base Claim 16. As such, independent Claim 37 should now be in a proper condition for allowance.

Applicant has revised previous independent Claim 16 in the form of new independent Claim 34. Those formality objections associated with previous independent Claim 16 have been corrected in the language of new independent Claim 34.

Applicant has revised the drawings so as to properly reference the "spring 47" and the "flat bottom surface 32". A Replacement Sheet of Figures 1 - 3 is included herewith.

Based upon the foregoing analysis, Applicant contends that independent Claims 21, 30, 31, 34 and 37 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the rejections and allowance of the claims at an early date is earnestly solicited.

Since two (2) new independent claims have been added above those originally paid for, an additional fee of \$200 is enclosed herewith.

Respectfully submitted,

6-27-04

Date


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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

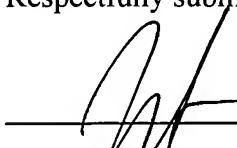
AMENDMENT "A"

is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

on 1-27-06

Respectfully submitted,


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Amendment A: DRAWING AMENDMENTS

Please substitute the attached "REPLACEMENT SHEET" for the originally submitted sheet of drawings of FIGS. 1 - 3.